



Attorney Docket No. 49603 (71699)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS de Juan, Jr. et al. EXAMINER: Baxter, Jessica R.  
U.S.S.N.: 09/523,767 ART UNIT: 3731  
FILED: March 11, 2000 CONFIRMATION: 5862  
FOR: SUTURELESS OCCULAR SURGICAL METHODS AND INSTRUMENTS  
FOR USE IN SUCH METHODS

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. 1.191)

RECEIVED  
FEB 03 2004  
TECHNOLOGY CENTER R3700

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

01/30/2004 YPOLITE1 00000033 09523767

02 FC:1252

420.00 OP

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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Date: January 27, 2004

Helen Murray Tarbi

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(type or print name of person certifying)

01 FC:1401

330.00 OP

(Notice of Appeal from the Primary Examiner to Board—page 1 of 3)

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Filed: March 11, 2000  
Art Unit: 3731

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed August 27, 2003 finally rejecting claims 1-13 and 15-21, 55 and 63-65.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

- other than a small entity.  
 a small entity.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

- small entity \$165.00  
 other than a small entity \$330.00

Notice of Appeal fee due \$ 330.00

**3. EXTENSION OF TERM**

*NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).*

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

- (a)  Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
[ ] one month	\$ 110.00	\$ 55.00
[X] two months	\$ 420.00	\$ 210.00
[ ] three months	\$ 950.00	\$ 475.00
[ ] four months	\$1,480.00	\$ 740.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- (a)  An extension for one months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

or

- (b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 4. TOTAL FEE DUE

The total fees due are:

Notice of Appeal fee	\$ 330.00
Extension fee (if any)	\$ 420.00

**TOTAL FEE DUE \$                  \$ 750.00**

#### 5. FEE PAYMENT

- Attached is a check in the sum of \$ 750.00  
 Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

#### 6. FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.*

- If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105.

AND/OR

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[X] If any additional fee for claims is required, charge Account No. 04-1105.

  
William J. Daley, Jr.

SIGNATURE OF PRACTITIONER

January 27, 2004

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(type or print name of practitioner)

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